

[William Conn, deceased, by his will dated 14th June, 1821, devised all his property, (consisting of real estate in Baltimore county,) after payment of his debts, &c., to his wife Elizabeth Conn for life; to be divided equally amongst all his children, whom he mentioned by name, in case she should marry before his youngest child, Margaret, arrived at the age of twenty-one years. Should she marry before, the division was not to be made till his said daughter attained that age; but if such marriage should afterwards occur, the division was to be made immediately. Six months after the testator's death his widow had a son, Silas W. Conn, for whom no provision was made in said will; and afterwards in the year 1833, she intermarried with James Hall of Baltimore county, and died in the year 1841, leaving no issue by said Hall, who survived her. By deed of trust and settlement, between said Elizabeth, and James Hall, and James Conn, executed a few days before the marriage, her personal property was conveyed to James Conn, in trust, for her sole and separate use, with power to dispose of the same as if she were a *feme sole*, and invest the proceeds in such manner as she thought fit; and also, with the power to dispose of the same by will. After her marriage to Hall, she purchased of four of the children of her first husband, the interest which they severally had in their deceased father's estate. The real estate of the testator, Wm. Conn, was, after the death of his widow sold under proceedings in this court, and two accounts were stated by the Auditor, assigning the proceeds of sale to the parties entitled under the will of the testator. Before such distribution was actually made, a petition was filed by Edward Jenkins and others, stating that said Elizabeth, during her second marriage, had been possessed of a separate estate, and had traded as a *feme sole*, with the consent of her husband; that she, together with him, had made to the petitioners, respectively, a single bill, and two promissory notes; and had died, without paying the same, and leaving no assets except the funds then in court for distribution. The petition further stated, that James Hall, was also dead, insolvent, and prayed for an application of the said funds, to the